LETTER OPINION
93-L-127

April 8, 1993

Hon. Alvin A. Jaeger
Secretary of State
State Capitol
600 E Boulevard Avenue
Bismarck, ND 58505

Dear Secretary Jaeger:

Thank you for your April 2, 1993, letter regarding whether a member of the sponsoring committee of a referral measure may notarize the signature of a circulator of a petition.

Previously, this office concluded that a member of the sponsoring committee for an initiated measure could not notarize the signature form of another member of the sponsoring committee because the members of the sponsoring committees were more than generally interested electors. Letter from Attorney General Nicholas J. Spaeth to Secretary of State Jim Kusler (May 31, 1992). In my opinion, this conclusion may correctly be applied to the situation you describe.

The purpose of requiring a notarized signature on a document is to assure the authenticity of the signature. This purpose is most effectively achieved when the notary has nothing to gain from the notarization. Therefore, the generally accepted view is that a person is not qualified to act as a notary when the person has an interest, no matter how small or nominal, in the document or proceedings. 1 Am. Jur. 2d Acknowledgements, ?? 16 and 17. As a member of the sponsoring committee, an individual is more than a generally interested elector but rather has a direct interest in seeing that the petition is completed and the matter is placed on the ballot. See Howell v. Tidwell, 368 S.E.2d 311, (Ga. 1988). It is therefore my opinion that a member of a sponsoring committee for a referral measure may not notarize the signature of a circulator.

Sincerely,

Heidi Heitkamp
ATTORNEY GENERAL

tca/krb